



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

RACHEL MURPHY,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

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CIVIL ACTION NO. 4:14-3316-MGL-TER

ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND AFFIRMING DEFENDANT'S DECISION TO DENY BENEFITS

This is a Social Security appeal in which Plaintiff seeks judicial review of the final decision of Defendant's denying her claims for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI). The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting to the Court that Defendant's final decision denying Plaintiff's claims for DIB and SSI be affirmed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on November 30, 2015, Plaintiff filed her objections on December 16, 2015, and Defendant filed her reply on December 21, 2015.

Plaintiff does not object to the Magistrate Judge's suggestion that Defendant's final decision be affirmed. Instead, she argues that an alternate basis on which the Magistrate Judge based his recommendation should be rejected. Inasmuch as the Court does not rely on the alternate bases in finding that the decision of Defendant should be affirmed, it declines to offer an advisory opinion as to the validity of Plaintiff's argument.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of the Court that Defendant's final decision denying Plaintiff's claims for DIB and SSI is **AFFIRMED**

IT IS SO ORDERED.

Signed this 9th day of February, 2016, in Columbia, South Carolina.

s/ Mary Geiger. Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE